

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ZURICH AMERICAN INSURANCE
COMPANY,

Plaintiff,

No. 1:22-cv-01535

v.

ASPHALT PAVING SYSTEMS, INC.,

ORDER

Defendant.

O'HEARN, District Judge.

This matter comes before the Court on the Defendant Asphalt Paving Systems, Inc.'s ("Defendant") Motion to Dismiss Counts VII, VIII, and IX of Plaintiff Zurich American Insurance Company's ("Plaintiff") Amended Complaint. (ECF No. 30). The Court did not hear oral argument pursuant to Local Rule 78.1. For the reasons set forth in this Court's corresponding Opinion,

IT IS on this 13th day of January, 2023,

ORDERED that Defendant's Motion to Dismiss, (ECF No. 30), is **GRANTED IN PART** and **DENIED IN PART**; and it is further

ORDERED that Defendant's Motion is **GRANTED** with respect to Count VII of Plaintiff's Amended Complaint, (ECF No. 24), which is hereby **DISMISSED**; and it finally

ORDERED that Defendants' Motion is **DENIED** with respect to Counts VIII and IX of the Amended Complaint, (ECF No. 24).

Christine P. O'Hearn
CHRISTINE P. O'HEARN
United States District Judge